I. Objection to the Drawings.

In paragraph 6, the Office Action objects to the drawings indicating that Figure 2 is missing from the application. In response, Applicants file a copy of Figure herewith under separate cover. Applicant respectfully submits that Figure 2 should already be present in the application. A copy of Figure 2 was filed on April 24, 2000 in informal form, and a formal version of the figure was filed on May 15, 2000. Applicant respectfully submits that the objection to the drawings is hereby overcome by the submission of Figure 2.

II. The Claims Are Patentable.

The Office Action rejects all of the claims under 35 U.S.C. § 103(a) as unpatentable in light of the combination of the following US Patents: 1) 5,652,785 to Richardson, Jr. et al., 2) 3,766,476 to Silitch and 3) 6,253,326 to Lincke et al. With regard to Claim 1, the Office Action alleges that all aspects of the claimed invention are disclosed in the '785 Richardson, Jr. patent, except for the recitation of radio broadcasting the flight information. For this reason, the Examiner cites the '476 Silitch patent, which discloses transmission of travel alert information to the radios of cars on a highway. The Office Action argues that it would have been obvious to combine the teachings of the '476 Silitch patent to the '785 Richardson, Jr. patent to produce a system that transmits flight information via radio broadcasting to cars. The '326 Lincke patent is cited in combination with the '785 Richardson, Jr. patent to reject Claim 13, which recites periodic update of flight information. The Examiner alleges that the '326 Lincke patent discloses updating of travel information. Applicant respectfully disagrees with these rejections.

A. Independent Claim 11 Is Patentable.

As background, the present invention discloses a system that downloads flight information from a computerized reservation system. The system assimilates that flight information, such as departure and arrival information, converts the data into audible format, sorts the flight information into a desired sequence, and broadcasts the data via RF in a

geographic area surrounding an airport. The information is received by a user's radio and thereby provides them with flight information prior to arrival and parking at the airport. This application is a continuation application and ultimately claims priority from a provisional application filed February 20, 1997.

1. Sorting Retrieved Flight Information into a Desired Sequence

With regard to the rejections, Applicant first disagrees with the Office Action's allegations that the '785 Richardson, Jr. patent teaches or suggests the element of "sorting retrieved flight information into a desired sequence" as is recited in independent Claim 11. As best understood, the '785 Richardson, Jr. patent does not teach or suggest downloading flight information from a reservation system and later transmitting this information. Instead, the '785 Richardson, Jr. patent merely discloses recording audio sounds from a first user, transmitting the audio sound file across a wide area network, and playing the contents of the audio file to another user. As the information received from the first user, stored in the system, transmitted to another file location, and provided to another user is an audio file, there is no "sorting of the retrieved flight information."

For example, the Office Action points to the part of the '785 Richardson, Jr. patent that discloses that the system may be used to relay flight information. While it is true that the '785 Richardson, Jr. patent discloses such a use, it nowhere teaches or suggests that the system gathers the information from a reservation system, converts the data, and sorts the data. Instead, at best, the '785 Richardson, Jr. patent discloses recording a user's audible recitation of a flight schedule, transmission of the audio file to another user, and replay of the audio file. As the system described in the '785 Richardson patent is merely recording and replaying an audio file saved by a user, it nowhere teaches or suggests "sorting retrieved flight information into a desired sequence" as is recited in independent Claim 11. If there is any sorting of the flight information at all, it is done by the user when recording the audio file, not the system as is recited in independent Claim 11. In other words, the user is recording the data into an audio file in the sequence with which the user wants the data relayed to the other user, the system nowhere sorts the data in the '875 Richardson patent.

2. The Recited References Are Not Combinable.

In addition to the above, Applicant also respectfully submits that there is insufficient teachings or suggestions for combining the '476 Silitch patent with the '785 Richardson, Jr. patent. Specifically, an important aspect of the claimed invention is the ability to transmit flight information via radio to people before they arrive at the airport. This allows visitors to better determine the status of their arrival or departure flight. If a visitor's flight is delayed or cancelled, the visitor can determine this information prior to parking or entering the airport, thereby potentially decreasing congestion and parking issues, as well as providing customers with timely information concerning flight status.

From this perspective, Applicant submits that there is no teaching or suggestion in the '476 Silitch patent for combining the reference with the '785 Richardson, Jr. patent. Flight information is typically seen as data related to an airport information system that is reported to visitors after they have arrived and parked at the airport. Specifically, flight arrival and departure information is typically provided via monitors and message boards located in the airport. These conventional systems are not typically concerned with traffic congestion, parking, and inconveniences experienced by visitors when a flight is cancelled or delayed. The present invention leaps from this conventional viewpoint to a system that attempts to provide visitors with information in advance of their arrival at the airport, such that a visitor can make an informed decision on when they should arrive.

Since the claimed invention is a departure from conventional flight information systems, we do not believe that the disclosure from the '476 Silitch patent can be fairly said to disclose the invention when combined with the'785 Richardson, Jr. patent. What is missing from the Office Action's proposed combination is the idea that it would advantageous to alert airport visitors prior to arrival at the airport of their flight status so as create less inconvenience for the visitor, as well as aid in airport traffic and parking issues. It is only with the disclosure of the present application that such a connection between radio broadcasts of information and conventional flight information is made. As it is impermisible to use the disclosure of the Applicant's patent application as a road map to obviousness, it is our opinion that the rejection to Claim 11 is not

proper.

In light of the above, Applicant respectfully submits that independent Claim 11, as well as the claims that depend therefrom, is patentable over the cited references.

B. Dependent Claim 13 Includes Allowable Subject Matter

In addition to addressing Claim 11, the Office Action also provides a specific rejection to dependent Claim 13, which recites updating the server with flight information after an elapsed time. The Office Action concedes that this recitation is not taught by the '785 Richardson, Jr. patent, and for this reason, cites the '326 Lincke patent.

With regard to this rejection, Applicant notes that the '326 Lincke patent is not considered prior art to the present patent application under US patent law. Specifically, the '326 Lincke patent was filed May 29, 1998, but the present application claims priority from a provisional application filed February 20, 1997. Thus, the '326 Lincke patent is not considered prior art under any of the provisions of 35 U.S.C. § 102. As such, Applicant respectfully submits that this rejection is not proper, and dependent Claim 13 should be seen as including patentable subject matter.

CONCLUSION

In light of the submission of the Figure 2, the amended claims, and the remarks presented above, Applicant respectfully submits that the case is now in condition for allowance. It is therefore requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2003

W. Kevin Ransom

Version with Markings to Show Changes Made:

In The Claims:

Please amend Claims 12 and 13 as follows:

12. The computer-readable medium of claim 11 [12], wherein determining an end program sequence termination request comprises:

determining whether a designated key has been depressed; and

terminating performance of the method based on a determination that the designated key has been depressed.

13. The computer-readable medium of claim 11 [12], wherein the steps of verifying that the flight information is current comprises the substeps of:

determining whether flight information has been received from a flight information file server within a predetermined period of time;

establishing communications with the flight information file server based on a determination that flight information has not been received within a predetermined period of time; and

performing steps a) through g).